

REMARKS

Claims 1-37 are pending in the present application. Claims 1, 5, 7, 19, 23 and 25 have been amended in this response. More specifically, claims 5, 7, 23 and 25 have been rewritten in independent form without narrowing the scope of these claims.

In the Office Action mailed December 15, 2004, claims 1-4, 6, 8, 9, 19-22, 24, 26-29 and 32-37 were rejected. More specifically, the status of the claims in light of this Office Action is as follows:

(A) Claims 33-37 were objected to for including allegedly non-enabled language, but were indicated to be allowable if the enablement objection is overcome;

(B) Claims 1-4, 6, 8, 9, 19-22, 24, 26-29 and 32 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,370,836 to Gunn ("Gunn");

(C) Claims 5, 7, 23, 25, 30 and 31 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form to include the features of the claims from which they depend; and

(D) Claims 10-18 were allowed.

A. **Response to the Objection to Claims 33-37**

Claims 33-37 were objected to for including allegedly non-enabled language. Specifically, the Examiner asserts that "the engagement member and the support member do not contact a top surface of the first siding piece" is not supported by the specification or the drawings. Applicants traverse the objection and note that in the embodiment illustrated in Figure 3, no portion of the apparatus 100 contacts the top surface of the first siding piece 10. The top surface of the first siding piece 10 in Figure 3 is opposite the bottom surface 12, above the fastener 19, and extends between the front and back surfaces 14 and 15. As such, the above-noted claim language is supported by the

drawings and the specification. Accordingly, the objection to claims 33-37 should be withdrawn.

B. Response to the Section 102(b) Rejection Over Gunn

Claims 1-4, 6, 8, 9, 19-22, 24, 26-29 and 32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gunn. As described below, Gunn does not disclose or suggest the features of these claims.

1. Claim 1 Is Directed to a Siding Installation Apparatus for Engaging a First Siding Piece Attached to a Vertical Wall and Supporting a Second Siding Piece for Attachment to the Wall

Claim 1 is directed to a siding installation apparatus for engaging a first siding piece attached to an at least generally vertical wall and supporting a second siding piece for attachment to the wall. The first siding piece has a bottom portion and a back surface. The apparatus includes (a) a support member having a support surface to support the second siding piece for attachment to the wall, (b) an engagement member projecting from the support member, and (c) a securing assembly coupled to the support member to releasably restrict the support member from moving relative to the first siding piece. The engagement member is configured to engage the bottom portion of the first siding piece attached to the wall by contacting at least the back surface of the first siding piece. One advantage of the apparatus described in claim 1 is that it allows a single installer to individually install siding pieces on a structure.

2. Gunn Discloses a Floor Board Compression Apparatus

Gunn discloses a floor board compression apparatus, including a first plate, a compression strap attached to the first plate, a second plate, and a strap clamp attached to the second plate. The first plate includes a first edge gripping device for gripping an edge of a first floor board, and the second plate includes a second edge gripping device for gripping an edge of a second floor board. The compression strap extends from the first

plate to the strap clamp on the second plate so that the compression strap can draw the first and second floor boards together. Specifically, the first edge gripping device pushes the edge of the first floor board toward the second floor board, and the second edge gripping device pushes the edge of the second floor board toward the first floor board.

3. Gunn Fails to Disclose a Siding Installation Apparatus for Engaging a First Siding Piece Attached to a Vertical Wall and Supporting a Second Siding Piece for Attachment to the Wall

Gunn fails to disclose a siding installation apparatus for engaging a first siding piece attached to an at least generally vertical wall and supporting a second siding piece for attachment to the wall, the apparatus including "a support member having a support surface to support the second siding piece for attachment to the wall" and "an engagement member projecting from the support member and configured to engage the bottom portion of the first siding piece attached to the wall," as recited by claim 1. To the contrary, Gunn discloses a first plate for gripping an edge of a first floor board and a second plate for gripping an edge of a second floor board. As such, Gunn's device would not releasably engage a first siding piece attached to a vertical wall and support a second siding piece for attachment to the wall. Consequently, Gunn fails to disclose each and every element of claim 1. Therefore, the Section 102(b) rejection of claim 1 should be withdrawn.

Claims 2-4, 6, 8 and 9 depend from claim 1. Accordingly, the Section 102(b) rejection of claims 2-4, 6, 8 and 9 should be withdrawn for the reasons discussed above with reference to claim 1 and for the additional features of these claims.

Independent claim 19 has, *inter alia*, features generally similar to those included in claim 1. Accordingly, the Section 102(b) rejection of claim 19 should be withdrawn for the reasons discussed above with reference to claim 1 and for the additional features of this claim.

Claims 20-22, 24 and 26 depend from claim 19. Accordingly, the Section 102(b) rejection of claims 20-22, 24 and 26 should be withdrawn for the reasons discussed above with reference to claim 19 and for the additional features of these claims.

4. Claim 27 Is Directed to a Siding Installation Apparatus Including a Securing Assembly With a Cam Pivotably Coupled to a Support Member

Claim 27 is directed to a siding installation apparatus for engaging a first siding piece and supporting a second siding piece. The first siding piece has a bottom portion and a front surface. The apparatus includes (a) a support member having a support surface to support the second siding piece, (b) an engagement member projecting from the support member and configured to engage the bottom portion of the first siding piece, and (c) a securing assembly having a cam pivotably coupled to the support member and a contact element at least proximate to the cam. The cam is selectively pivotable to force the contact element against the front surface of the first siding piece to restrict movement of the support member relative to the first siding piece.

5. Gunn Fails to Disclose a Siding Installation Apparatus Including a Securing Assembly With a Cam Pivotably Coupled to a Support Member to Force a Contact Element Against the Front Surface of a Siding Piece

Gunn fails to disclose a siding installation apparatus having, *inter alia*, "a securing assembly including a cam pivotably coupled to the support member and a contact element at least proximate to the cam, wherein the cam is selectively pivotable in a first direction to force the contact element against the front surface of the first siding piece to restrict movement of the support member relative to the first siding piece," as recited in claim 27. For example, assuming for the sake of argument that, as the Examiner suggests, Gunn's first plate 10/compression strap 70 and strap clamping means 60 correspond, at least in part, to the support member and securing assembly of claim 27, Gunn fails to disclose a cam pivotably coupled to the first plate 10/compression strap 70. Moreover, Gunn's strap clamping means 60 does not include a cam that is selectively pivotable to force a contact element against a front surface of a floor board to restrict movement of the strap clamping

means 60 relative to the floor board. Accordingly, Gunn fails to disclose or suggest all the elements of claim 27. Therefore, the Section 102(b) rejection of claim 27 should be withdrawn.

Claims 28-30 and 32 depend from claim 27. Accordingly, the Section 102(b) rejection of claims 28-30 and 32 should be withdrawn for the reasons discussed above with reference to claim 27 and for the additional features of these claims.

C. Response to the Objection to Claims 5, 7, 23, 25, 30 and 31

Claims 5, 7, 23, 25, 30 and 31 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form to include the features of the claims from which they depend. Claims 5, 7, 23 and 25 have been amended accordingly, and therefore, the objection to these claims should be withdrawn. Claims 30 and 31 have not been amended because the rejection of independent claim 27 should be withdrawn.

D. Conclusion

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A Notice of

Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-6465.

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Respectfully submitted,

By 

David T. Dutcher

Registration No.: 51,638

PERKINS COIE LLP

P.O. Box 1247

Seattle, Washington 98111-1247

(206) 359-8000

(206) 359-7198 (Fax)

Attorney for Applicant